

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **FRED OSWALD**

Serial No.: _____ Group No.: _____

Filed: _____ Examiner: _____

For: **VIBRATOR**

Attorney Docket No.: **U 013886-1**

Assistant Commissioner for Patents
Washington, D.C. 20231

WRITTEN ASSERTION OF SMALL ENTITY STATUS

This is written assertion on the basis of:

personal knowledge;
 applicant's letter of _____;
 applicant's agent's letter of _____; or
 other _____

by a practitioner (not necessarily of record) that the above application is entitled to small entity status and, therefore, fees.

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. 1.8(a)

with sufficient postage as first class mail.

37 C.F.R. 1.10*

as "Express Mail Post Office to Address"
Mailing Label No. US 011020774 US
(mandatory)

TRANSMISSION

transmitted by facsimile to the Patent and Trademark Office.

Date: February 25, 2002

Signature

CONNIE YANNOTTI

(type or print name of person certifying)

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

EXPRESS MAIL LABEL

NO.: EV 011020774 US

NOTE: "To establish small entity status after the payment of the basic filing or national stage fee as a non-small entity, a written assertion of small entity status is required to be submitted." Notice of September 8, 2000, 65 Fed. Reg. 54604, at 54609.

NOTE: 37 C.F.R. § 1.27(c)(1): "Assertion by writing. Small entity status may be established by a written assertion of entitlement to small entity status. A written assertion must:

- (i) Be clearly identifiable;
- (ii) Be signed (see paragraph (c)(2) of this section); and
- (iii) Convey the concept of entitlement to small entity status, such as by stating that applicant is a small entity, or that small entity status is entitled to be asserted for the application or patent. While no specific words or wording are required to assert small entity status, the intent to assert small entity status must be clearly indicated in order to comply with the assertion requirement."

NOTE: 37 C.F.R. § 1.27(c)(2): "Parties who can sign and file the written assertion. The written assertion can be signed by:

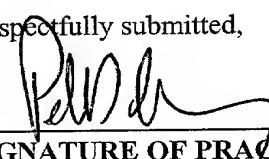
- (i) One of the parties identified in § 1.33(b) (e.g. an attorney or agent registered with the Office). § 3.73(b) of this chapter notwithstanding, who can also file the written assertion;
- (ii) At least one of the individuals identified as an inventor (even though a § 1.63 executed oath or declaration has not been submitted), notwithstanding § 1.33(b)(4), who can also file the written assertion pursuant to the exception under § 1.33(b) of this part; or
- (iii) An assignee of an undivided part interest, notwithstanding §§ 1.33(b)(3) and 3.73(b) of this chapter, but the partial assignee cannot file the assertion without resort to a party identified under § 1.33(b) of this part."

35 C.F.R. § 1.33(b):

(b) Amendment and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered attorney or agent of record appointed in compliance with § 1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Respectfully submitted,



SIGNATURE OF PRACTITIONER

Reg. No. 27,885

PETER D. GALLOWAY
(type or print name of practitioner)

Tel. No.: (212)708-1905

LADAS & PARRY
P.O. Address

Customer No.: 00140

26 WEST 61ST STREET
NEW YORK, NEW YORK 10023